

DETAILED ACTION

Election/Restrictions

Newly amended claims 13, 17-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Applicant has amended claim 13 which now requires a combination of elements including a substantially pure silicon layer having a directly deposited oxide layer of thickness between 1 and 100 nm followed by a second partial passivating layer made of polymer; this combination is distinct from that of the originally elected claims which does not require a substantially pure silicon layer with an oxide layer formed directly thereon with the required thickness and further includes an intermediate passivation layer and allowed the second partial layer to be formed on an intermediate silicon oxide layer rather than a silicon oxide layer formed directly on a pure silicon layer. Consequently, Applicant's amendment is requiring a brand new second search to determine assess the allowability of the new combination of elements. This is not permitted since Applicant is allowed only a single invention per application. The Examiner has already searched and determined allowable subject matter. Claims 25-28 are in condition for allowance.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13, 17-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

This application is in condition for allowance except for the following formal matters:

Claims 13, 17-24 must be canceled.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Menz whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Landau can be reached on (571) 272-1731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Menz/
Primary Examiner, Art Unit 2813

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